

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In application of: EVELYN BOETTCHER,  
SANDEEP T VOHRA

Confirmation No: 3695

Application No.: 10/022,360

Group No.: 2874

Filed: December 20, 2001

Examiner:

For: WAVELENGTH TUNABLE FILTER DEVICE FOR FIBER OPTIC SYSTEMS

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))**

**REQUEST FOR PERMISSION TO WITHDRAW**

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

**LAST KNOWN ADDRESS OF CLIENT**

2. The last known mailing address of the assignee of the entire interest is:

OPTINEL SYSTEMS INC  
6835 Deerpath Rd.  
Elkridge, MD 21075

**BASIS FOR WITHDRAWAL REQUEST**

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) § (5).

Explanation (including brief description of exhibits, if any):

Substantially all assets of Optinel Systems, Inc. were acquired by C-COR on September 3, 2004, including the above-referenced patent Application. We have been instructed by C-COR to transfer this patent Application to Oblon, Spivak, Mclelland, Maier & Neustadt, PC of 1940 Duke Street, Alexandria, VA 22314 to handle the prosecution of this case.

**ALLOWANCE OF TIME FOR CLIENT TO ACT**

4. Status of this Application

A. Response due

(i) The first maintenance fee is due November 18, 2007 and the fees are not being submitted herewith.

**B. Time Left for Response**

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is at least about 35 months.

**NOTIFICATION OF CLIENT**

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

**NUMBER OF COPIES OF REQUEST**

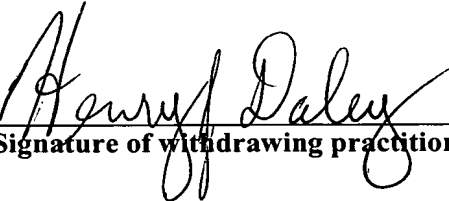
6. This request is enclosed in triplicate.  
7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the assignee.

Please see attached letter to Mr. Derek Mason of Oblon, Spivak, McClelland, Maier & Neustadt, PC dated September 30, 2004, and the letter from Mr. Hanelly, CFO, C-COR dated September 8, 2004.

**SIGNATURE OF WITHDRAWING PRACTITIONER**

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

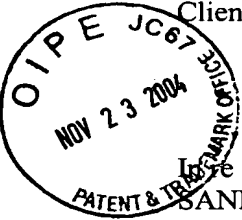
  
Signature of withdrawing practitioner

Henry J. Daley  
Reg. No.: 42459

Date: November 23, 2004  
PILLSBURY WINTHROP LLP  
P.O. Box 10500  
McLean, VA 22102  
(703) 905-2000  
Customer Number: 00909

**Also signing as authorized agent for each of the following:**

George M. Sirilla	18221	Guillermo Baeza	35056	Vicki Norton	40745
Richard Steinberg	26588	Jeffrey D. Karceski	35914	Robert J. Walters	40862
Richard H. Zaitlen	27248	Steven Moore	35959	Thomas Cawley, Jr.	40944
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Jeffrey W. Guise	34613	Mark J. Danielson	40580	Eric Hernandez	47641



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In re application of: EVELYN BOETTCHER,  
SANDEEP T VOHRA

Confirmation No: 3695

Application No.: 10/022,360

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Examiner:

For: WAVELENGTH TUNABLE FILTER DEVICE FOR FIBER OPTIC SYSTEMS

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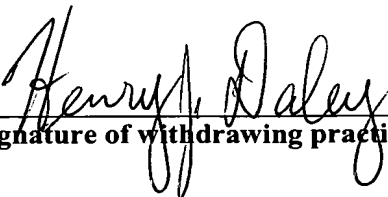
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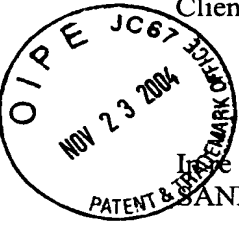
  
Signature of withdrawing practitioner

Henry J. Daley  
Reg. No.: 42459

Date: November 23, 2004  
PILLSBURY WINTHROP LLP  
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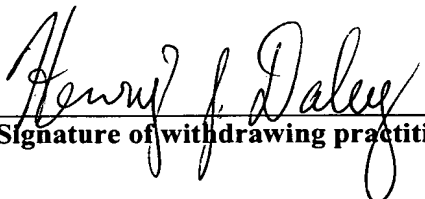
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Henry J. Daley  
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Jeffrey W. Guise	34613	Mark J. Danielson	40580	Eric Hernandez	47641



September 8, 2004

Henry J. Daley  
Pillsbury Winthrop, LLP  
1600 Tysons Blvd.  
McLean, Va 22102

Subject: Optinel Systems, Inc. Patent Files

Dear Mr. Daley:

As you know, on September 3, 2004, C-COR completed its acquisition of substantially all of the assets of Optinel Systems, Inc., including the patent and patent applications listed on the attached pages. C-COR utilizes the services of Oblon, Spivak, McClelland, Maier & Neustadt for the majority of its intellectual property work. Therefore we would like to have all case files for these patents and patent applications transferred to their offices as soon as possible so that we may attend to any actions requiring immediate attention.

The address and contact information is as follows.

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
Attn: Derek Mason/James Kulbaski  
1940 Duke Street  
Alexandria, Virginia 22314  
Telephone: 703-413-3000  
Facsimile: 703-413-2220

Please call me at 814-231-4446 or Mark Savereno at 814-231-4749 if you have any questions. Thank you for your assistance in this matter.

Sincerely,

  
William T. Hanelly  
CFO

Attachment

Cc: Derek Mason  
Mark Savereno

Optinel Systems, Inc. Patents and Patent Applications

Utility Applications

Application No.	Assignment	Declaration	Claims Priority of	Non-Publication Request	Status
09/808,222	Gregg A. Johnson	Gregg A. Johnson Bryan L. Althouse	None	No	Issued (6,619,864)
09/957,022	Bryan L. Althouse Evelyn Boettcher Sandeep Vohra	Evelyn Boettcher Sandeep T. Vohra Gregg A. Johnson	None	No	Pending (Appealed to BPAI)
09/929,339	Gregg Johnson Bryan L. Althouse Gregg A. Johnson	Bryan L. Althouse Gregg A. Johnson	None	No	Pending (Waiting for 1st OA)
09/938,543	Evelyn Boettcher	Evelyn Boettcher Sandeep T. Vohra	None	No	Pending (Non-final rejection 2/27/2004, to be abandoned by Optinel)
10/022,360	Sandeep T. Vohra Evelyn Boettcher Sandeep T. Vohra Paul J. Matthews Paul D. Biernacki	Sandeep T. Vohra Evelyn Boettcher Sandeep T. Vohra Paul J. Matthews Paul D. Biernacki	None	No	Issued (6,738,536)
10/022,516 10/266,930	Sandeep T. Vohra Paul J. Matthews Paul D. Biernacki Irl N. Duling	Sandeep T. Vohra Paul J. Matthews Paul D. Biernacki Irl N. Duling	60/292,913 60/327,778	No No	Pending (Waiting for 1st OA) Pending (Waiting for 1st OA)

10/267,030	Irl N. Duling	Irl N. Duling	60/327,777	No	Pending (Waiting for 1st OA)
10/267,045	Paul J. Matthews	Paul J. Matthews	60/327,779	No	Pending (Waiting for 1st OA)
	Paul D. Biernacki	Paul D. Biernacki			
10/270,726	Irl N. Duling	Irl N. Duling	60/329,516	No	Pending (Waiting for 1st OA)
	Paul J. Matthews	Paul J. Matthews			
	Paul D. Biernacki	Paul D. Biernacki			
	Sandeep T. Vohra	Sandeep T. Vohra			
10/286,975	Sandeep T. Vohra	Sandeep T. Vohra	60/330,948	No	Pending (Waiting for 1st OA)
	Paul J. Matthews	Paul J. Matthews			
10/303,050	Irl N. Duling	Irl N. Duling	60/333,739	No	Pending (Waiting for 1st OA)
	Sandeep T. Vohra	Sandeep T. Vohra			
	Paul J. Matthews	Paul J. Matthews			
10/308,197	Irl N. Duling	Irl N. Duling	60/334,922	No	Pending (Waiting for 1st OA)
	Sandeep T. Vohra	Sandeep T. Vohra			
	Paul J. Matthews	Paul J. Matthews			
10/308,199	Sandeep T. Vohra	Sandeep T. Vohra	60/334,954	No	Pending (Waiting for 1st OA)
	Paul J. Matthews	Paul J. Matthews			
	Irl N. Duling	Irl N. Duling			
	James J. Costabile	James J. Costabile			
10/319,817	Sandeep T. Vohra	Sandeep T. Vohra	60/339,731	No	Pending (Waiting for 1st OA)
	Paul J. Matthews	Paul J. Matthews			
	Irl N. Duling	Irl N. Duling			
	Irl N. Duling	Irl N. Duling			
10/365,619	Sandeep T. Vohra	Sandeep T. Vohra	60/355,815	Yes	Pending (Waiting for 1st OA)
	Paul J. Matthews	Paul J. Matthews			

10/370,113	Hani S. Daniel	Hani S. Daniel	60/357,853	Yes	Pending (Waiting for 1st OA)
10/620,763	Irl N. Duling	Irl N. Duling	60/396,139	Yes	Pending (Waiting for 1st OA)
	Heather Patrick	Heather Patrick	60/396,140		(Priority date claim wrong in spec, correct in dec and OFR)
10/821,954	Evelyn Boettcher	Evelyn Boettcher	60/396,142		
	Sandeep T. Vohra	Sandeep T. Vohra	10/022,360	No	Pending (Waiting for 1st OA)
	Paul J. Matthews	Paul J. Matthews			
	Paul D. Biernacki	Paul D. Biernacki			

Provisional Applications	Parent of	
60/292,913	10/022,516	
60/327,777	10/267,030, PCT/US02/32133	
60/327,778	10/266,930, PCT/US02/32132	
60/327,779	10/267,045, PCT/US02/32134	
60/329,516	10/270,726, PCT/US02/32999	
60/330,948	10/286,975, PCT/US02/35435	
60/333,739	10/303,050, PCT/US02/37806	
60/334,057	None (Abandoned)	
60/334,060	None (Abandoned)	
60/334,061	None (Abandoned)	
60/334,922	10/308,197, PCT/US02/38600	
60/334,954	10/308,199, PCT/US02/38601	
60/337,170	None (Abandoned)	
60/338,653	None (Abandoned)	
60/339,731	10/319,817, PCT/US02/39901	
60/355,815	10/365,619	
60/357,853	10/370,113	
60/396,139	10/620,763	
60/396,140	10/620,763	
60/396,142	10/620,763	
60/396,143	None (Abandoned)	
60/396,144	None (Abandoned)	

60/488,002	Folder	X	None (Abandoned)	
PCT Applications	Parent	Publication Number	Children	Alive
PCT/US02/06559	09/808,202	WO 02/075973	No	No
PCT/US02/23480	09/929,339	WO 03/017533	No	No
PCT/US02/32132	60/327,778	WO 03/032536	No	No
				SR filed as IDS in parent/related? Yes SR unavailable Yes 2 IDSs have been filed according to PAIR, but they have not been scanned into the IFW
PCT/US02/32133	60/327,777	WO 03/032535	No	No
PCT/US02/32134	60/327,779	WO 03/034624	No	No
PCT/US02/32899	60/329,516	WO 03/034623	No	Yes
		WO		Yes
PCT/US02/35435	60/330,948	2003/041320	No	No
PCT/US02/37806	60/333,739	WO 03/049335	No	No
PCT/US02/38600	60/334,922	WO 03/049336	No	No
PCT/US02/38601	60/334,954	WO 03/049346	No	No
		WO		Yes
PCT/US02/39901	60/339,731	2003/052987	No	No
				Yes



**PILLSBURY WINTHROP LLP**

1600 TYSONS BOULEVARD MCLEAN, VA 22102 703.905.2000 F: 703.905.2500

September 30, 2004

K. Ed Fisher  
703.905.2230  
efisher@pillsburywinthrop.com

Mr. Derek Mason  
Oblon, Spivak, McClelland, Maier & Neustadt, PC  
1940 Duke Street  
Alexandria, VA 22314

ACKNOWLEDGED WITH THANKS  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, PC  
Date: 10/5/04  
INITIALS: *ef*  
FAX NO: \_\_\_\_\_

**Re: Optinel Systems, Inc. – 82134**

Dear Mr. Mason:

Pursuant to instructions from the client, we are transferring the following trademark and/or patent file(s) to you here with:

Matter No.	Appln\Serial No.	Country
140998	PCT/US02/06559	WO
141563	PCT/US02/23480	WO
141824	PCT/US02/32134	WO
141825	PCT/US02/32132	WO
141826	PCT/US02/32133	WO
141828	PCT/US02/32999	WO
271811	09/957022	US <i>Appeal Brief due 10/19/04</i>
271812	09/808222	US <i>Granted</i>



September 30, 2004  
Page 2

Matr. No.	Appl. Serial No.	Country
276890	09/938543	US <i>Aband.</i>
281093	60/292913	US <i>Exp. Prov.</i>
281094	10/022360	US <i>Granted</i>
281097	10/022516	US
281109	09/929339	US
281132	60/327778	US <i>Exp Prov</i>
281133	60/327779	US
281134	60/37777 327777	US
281135	60/330948	US
291414	60/396144	US
283336	60/329516	US
283343	60/333739	US
283344	60/334060	US <i>Exp Prov</i>
283345	60/334057	US
283346	60/338653	US
283347	60/334922	US
283348	60/334954	US <i>Exp Prov.</i>





September 30, 2004  
Page 3

Vatter No.	Applicant No.	Country
283349	60/334061	US
283350	60/337170	US
283351	60/339731	US
283356	60/355815	US
283357	60/357853	US
291410	60/396140	US
291411	60/396139	US
291412	60/396142	US
291413	60/396143	US
291417	10/270726	US
291425	10/319817	US
291426	10/308199	US
291427	10/308197	US
291428	10/286975	US
291430	10/267030	US
291431	10/267045	US
291432	10/266930	US



September 30, 2004  
Page 4

Matter No.	Applicant No.	Country
291433	10/303050	US
300190	PCT/US02/35435	WO
300266	10/370113	US
300267	10/365619	US <i>Resp. due 11/24/04</i>
300499	PCT/US02/37806	WO
300580	PCT/US02/38601	WO
300581	PCT/US02/38600	WO
300859	PCT/US02/39901	WO
304325	10/620763	US
308872	10/821954	US <i>Rest Resp. due 10/9/04</i>

You are advised that Pillsbury Winthrop LLP assumes no further responsibility for these files including, but not limited to, future prosecution and/or annuities. Please file the appropriate documents to ensure that future correspondence is sent directly to you. A docket sheet of all relevant due dates is also attached (if applicable).

These files are being transferred with the understanding that access will be provided to Pillsbury Winthrop LLP should the need arise at a future date.



September 30, 2004  
Page 5

Please sign and return a copy of this letter to indicate your agreement and receipt of the above files.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Ed Fisher", written over a horizontal line.

K. Ed Fisher  
Records Manager

jab  
Enclosures



PILLSBURY WINTHROP

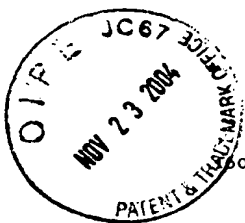
September 30, 2004  
Page 6

Receipt is acknowledged of the above-referenced file(s) and we agree to provide Pillsbury Winthrop with access to this file should the need arise.

By: Ellen Currier  
for Mr. Derek Mason

Date: Oct. 5, 2004

Oblon, Spivak, McClelland, Maier & Neustadt, PC



PILLSBURY WINTHROP LLP

1000 TYSONS BOULEVARD MCLEAN, VA 22102 703.905.2000 F: 703.905.2500

November 23, 2003

Henry J. Daley  
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Irl N. Duling, III  
Optinel Systems, Inc.  
6835 Deerpath Rd.  
Elkridge, MD 21075

Re: U.S. Appln. No. 10/022,360 - BOETTCHER et al.  
Filed: December 20, 2001  
WAVELENGTH TUNABLE FILTER DEVICE FOR FIBER OPTIC  
SYSTEMS  
Your Ref: OS-007  
Our Ref: 82134/281094/HJD

Dear Irl:

We understand that C-COR acquired substantially all assets of Optinel Systems, Inc. on September 3, 2004, including the above-identified patent Application. We received instructions from Mr. Hanelly, CFO, C-COR to transfer this and all other specifically listed patent Applications to Oblon, Spivak, McClelland, Maier & Neustadt, P.C. (See attached copy of September 8, 2004 letter from Mr. Hanelly and the attached list.) We transferred this and the other cases to Mr. Mason at Oblon, Spivak, McClelland, Maier & Neustadt, P.C. on September 30, 2004 and received confirmation of receipt by Mr. Mason on October 5, 2004. We have thus now filed a Request for Withdrawal from Representation in this and all other cases, a copy of which is attached.

This is also a reminder that the current due date for payment of the first maintenance fee is **November 18, 2007**. Please do not hesitate to contact us for any assistance you may need to help make this a smooth transition.

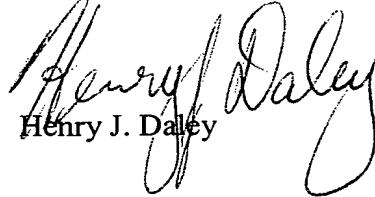


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November 23, 2004  
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Best regards.

Sincerely,

PILLSBURY WINTHROP LLP



Henry J. Daley

HJD:emg  
Enc.

cc: Mr. William T. Hanelly,  
CFO, C-COR  
60 Decibel Road  
State College, Pennsylvania 16801

Mr. Derek Mason  
Oblon, Spivak, McClelland, Maier & Neustadt, PC  
1940 Duke Street  
Alexandria, VA 22314